

# Support for victims and witnesses

**Helen Reeves reviews the emergence of victims policy over the past 30 years.**

Congratulations to *Criminal Justice Matters* on thirty successful years. The journal has witnessed and documented extraordinary changes during this period, not least the dramatic growth of interest in victims of crime.

Thirty years ago there was virtually no knowledge and very little interest in victims amongst criminologists or those involved in criminal justice. The UK had been one of the first countries to introduce a public compensation programme for victims of violent crime in 1964 but few victims were aware of the provisions, and many eligible people failed to apply. There had been several attempts in the voluntary sector to introduce either advocacy or services for victims and in 1974 the first Victim Support Scheme began work in Bristol. Information began to emerge about the often devastating effects of crime and the sense of neglect and isolation experienced by many of its victims.

By 1976 the Bristol initiative was already becoming the model for small, voluntary developments in other parts of the country resulting in the launch of a national organisation in 1979. The movement was sustained by the enthusiasm of its pioneers and the commitment of its volunteer workforce, motivated by the obvious needs of the victims they met. Funding was a major obstacle and the support of the statutory agencies, including the police, was far from universal.

A turning point came in the early 1980s following some worrying results from research programmes undertaken by the Oxford Centre for Criminological Research (Maguire, 1982 and Shapland, 1985). It was found that a significant proportion of victims were dissatisfied with the service they received from the police and, even worse, satisfaction decreased as their cases passed through the criminal justice process. The main complaints concerned the apparent lack of concern about their distress and the absence of help with problems resulting from the crime. Most received little or no information about the investigation or trial unless they were needed as witnesses. It was recognised that dissatisfied victims were less likely to cooperate with the investigation or trial and improvements were gradually introduced in police training and procedures. With police time at a premium, the potential value of working with a well supported voluntary organisation began to be more widely recognised. In 1987, government funding was provided to Victim Support for modest, but

essential, core funding to its affiliated local groups. The first government leaflet for victims was published in 1988, providing information about compensation, Victim Support and crime prevention.

## **Support for victims as witnesses**

By now, Victim Support was supporting more victims of serious violent crimes and many of these were required to give evidence in contested cases. The experience was frequently said by victims to be as distressing as the crime itself. Many witnesses waited all day without being called and without explanation and there was no preparation for the role they were expected to play. Instances of intimidation by the defendant or his supporters were common. In the courtroom, too many found the cross examination unnecessarily aggressive or even humiliating with no-one to intervene on their behalf.

A proposal to provide an experimental service for witnesses was initially rejected by the relevant government departments, on the grounds that the judiciary would object both to volunteers and to researchers working in the courts. A number of sympathetic judges were, however, identified and the project went ahead in 1989 with funding from a private charitable trust. The project was monitored by Professor John Raine at the University of Birmingham who concluded (Raine and Smith, 1991) that witnesses who were properly prepared and supported were better able to give evidence. The research confirmed that most witnesses find the experience of attending court distressing to the point that, without support, many would not wish to give evidence again. With the provision of government funding, the service was extended to all Crown Courts by 1994 and eventually to Magistrates Courts by 2002. Victim Support estimates that twice the current resources would be needed for a full service to be provided.

## **Vulnerable, intimidated or reluctant witnesses**

The non-attendance of witnesses is now recognised as a major cause of cases failing to proceed and this has become a major driver of government policy. More is now known about the extent of witness intimidation, particularly in cases of sexual and other violent crime. The plight of vulnerable witnesses including children and people with learning difficulties has also achieved a higher profile. The

*Youth Justice and Criminal Evidence Act (1999)* introduced a series of special measures designed to help all vulnerable or intimidated witnesses to give their evidence, often without having to enter the courtroom. The Crown Prosecution Service has acquired new responsibilities for keeping witnesses informed of the progress of prosecutions, applying for special measures and presenting Victim Personal Statements to the court, including any applications for compensation. Witness Care Units have been established in partnership with the police and Victim Support to provide an active and accessible contact point to assess and to meet the needs of all witnesses during the preparation of the case. This development marks a major change in attitude as, previously, it had been regarded as inappropriate for an independent prosecution service to have prior contact with victims or witnesses.

### **Victim services in the community**

In welcoming these achievements, it must always be remembered that only six per cent of recorded crimes will ever reach the courts. Victims whose offenders are not detected and those who feel unable to report serious crimes such as domestic, racist or sexual violence, must also have access to services and support. The current demands on Victim Support, still the main service provider, far outstrip the resources available. In recognition of some of the problems, more priority is now being given by the government to the development of dedicated services for victims of particularly distressing crimes. Sexual Assault Referral Centres have been established in some parts of the country through which a comprehensive range of services can be provided, whether or not the crime is eventually reported. Similarly, the problem of domestic violence has been taken far more seriously over the past ten years. The response of the police and local authorities has been improved and a twenty-four hour helpline has been provided, run by the charities Women's Aid and Refuge.

### **A new deal for victims and witnesses**

The first government strategy, *A New Deal for Victims and Witnesses* was published in 2003, setting out an ambitious agenda to provide both rights and services, not only in criminal justice but also in the community. It was acknowledged that victims' needs go well beyond the criminal case, extending, for example, to health, housing and social security provisions. Some of the new policies were incorporated into the *Domestic Violence Crime and Victims Act (2004)*, including an important *Code of Practice* providing victims for the first time with statutory rights. The *Code*, implemented in 2006, drew together and extended the duties of the various criminal justice agencies to provide victims with information about their case and their rights and to refer them for help to Victim Support. A Commissioner for Victims is to be introduced with duties to oversee the implementation of the new policies. Unfortunately, but not surprisingly, most of the proposed improvements outside the criminal justice process have been slower to materialise.

Recognising that there are still major gaps in provision for the majority of victims, the government published an important consultation document, *Rebuilding Lives*, in December 2005. It is proposed that a new network of Victim Care Units will be established to mirror the work of Witness Care Units by establishing a single co-ordinating service where the needs

of all victims will be assessed and services provided, either directly or through referral to specialist agencies. Regrettably, it is proposed that the funding of this important initiative will be met by a substantial reduction in the provision of criminal injuries compensation. The results of the consultation are still awaited.

### **Conclusion**

There can be no doubt that the position of victims and witnesses has achieved considerably more prominence over the past thirty years. Far more is now known about their views and needs, resulting in the development of wide-ranging policies, new procedures and dedicated services. However, many of these developments have been designed to help victims play their essential role in dealing with offenders. Their co-operation is needed in the investigation and prosecution of crime as well as in the more recent development of restorative justice, not covered in this paper. A truly victim centred strategy would give considerably more priority to the personal, practical and emotional needs of victims, in their homes and in the community. It remains to be seen whether or not the new proposals for Victim Care Units will be successful in meeting these wider needs and the extent to which the provision of compensation will be eroded to pay for them. The next few months could provide another major turning point in the development of provision for victims of crime.

*Dame Helen Reeves was the Chief Executive of Victim Support from 1980-2005.*

### **References**

- Maguire M. (1982) *Burglary in a Dwelling, the Offence, the Offender and the Victim*. Cambridge Studies in Criminology XLIX, Heinemann Educational Books Ltd.: London.
- Shapland J., Willmore J. and Duff P. (1985), *Victims in the Criminal Justice System*. Cambridge Studies in Criminology LIII, Gower Publishing Company Ltd.
- Raine J.W. and Smith R.E. (1991) *The Victim/Witness in Court Project, Report of the Research Programme*. Victim Support.
- Home Office (2003), *A New Deal for Victims and Witnesses*. London: Home Office Communications Directorate.
- CJS (2005), *Rebuilding Lives, Supporting Victims of Crime*. London: Stationary Office.